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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,224	04/12/2007	Johann Magg	2004P00160WOUS	6699

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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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TEATERS, LINDSEY C

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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05/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,224	<b>Applicant(s)</b> MAGG ET AL.	
	<b>Examiner</b> LINDSEY C. TEATERS	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/24/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains legal phraseology such as "said" and "means". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 is indefinite because the limitation "holders for further components" fails to set forth the meets and bounds of the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanzutti et al (WO 03/030696 A), cited by applicant, in view of Hufnagl et al (US 5,367,607 A), cited by applicant.

Re claim 10:

Fanzutti et al teaches a coffee machine (10, figure 1) for preparing coffee using coffee pads, which comprises a continuous heater (18, figures 1, 4) provided with a water-guiding pipe (140, figure 4) that is thermally connected to at least one heating rod (142, figure 4) by means of at least one contact surface (144, figure 4), and a pump (54, figure 3) for transporting water through the continuous heater.

Fanzutti et al fails to teach that the at least one contact surface between the pipe and the at least one heating rod is embodied such that it is flat.

Hufnagl et al, however, teaches a contact surface between a water-guiding pipe and a heating element that is flat (col. 4, lines 31-35, see figure 1).

In view of Hufnagl's et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a contact surface, taught by Fanzutti et al, that is flat. A flat contact surface provides very good heat transfer characteristics. However, the contact surface of Fanzutti et al extends mostly about the entire water-guiding pipe, providing excellent heat transfer characteristics, though it is not flat. Therefore, the shape of the contact surface is a matter of design choice and would be readily realized by those of ordinary skill in the art.

Fanzutti et al also teaches:

Re claim 11: at least two heating rods (142, figure 4) connected to the pipe by means of the at least one contact surface (see figure 4).

Re claim 12: the at least two heating rods are provided on opposite sides of the pipe (see figure 4).

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Re claim 13: the pipe and the at least one heating rod are held together by a sleeve (120, 122, figure 4).

Re claim 14: a temperature sensor (128, figure 4) is disposed adjacent the sleeve (see figure 4).

Re claim 15: the pipe has ends (see figure 4) into which hose-like connecting pieces (132, 134, figure 4) of a water supply and a water exit can be inserted (page 13, line 29 through page 14, line 13).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanzutti et al (WO 03/039696 A), cited by applicant, in view of Hufnagl et al (US 5,367,607 A), cited by applicant, as applied to claim 15 above, and further in view of Buzzi (US 2003/0108343 A1).

Fanzutti et al, modified by Hufnagl et al, fails to teach that the connecting pieces are provided with seals.

Hufnagl et al, however, teaches inlet and outlet connectors (11', 12', figure 2A) provided with seals (paragraph [0055], see figure 2A).

In view of Hufnagl's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize connecting pieces, taught by Fanzutti et

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al, as modified by Hufnagl et al, that are provided with seals. It is generally appreciated in the art that connecting pieces are provided with seals, because they are used to connect lines of flowing gas or liquids. It is desirable to form air or water-tight seals such that the medium passing through does not leak.

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanzutti et al (WO 03/030696 A), cited by applicant, in view of Hufnagl et al (US 5,367,607 A), cited by applicant, as applied to claim 15 above, and further in view of Green (US 2004/0009281 A1).

Fanzutti et al, modified by Hufnagl et al, teaches that the connecting pieces comprise securing means for securing the continuous heater on a housing of the coffee machine (connect to inlet and outlet of water which are attached to housing of the coffee machine) and where holders for further components are provided on the securing means (can be held circumferentially around, in addition to water inlet and exit means inside the connecting pieces, or the sleeve (connected to the connecting pieces) comprise slots for holding/attaching further components).

Fanzutti et al, modified by Hufnagl et al, fails to teach that the connecting pieces are made of plastic.

Green, however, teaches a connector piece (185, figure 1) of a hot beverage machine (100, figure 1) made of plastic (paragraph [0025]).

In view of Green's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize connecting pieces, taught by Fanzutti et al, as modified by Hufnagl et al, made of plastic. Plastic is an economical, flexible, high temperature resistant, and non-corrosive option for connecting pieces of coffee machines.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY C. TEATERS whose telephone number is 571-270-5913. The examiner can normally be reached on Mon-Thur 8:30am-6:00pm :: alternating Fri 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDSEY C TEATERS/  
Examiner, Art Unit 3742

05/04/2009

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742